IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL Misc.APPLICATION No. 372 OF 2007
IN
CRIMINAL WRIT PETITION No. 2087 OF 2005

Virana P. Hakkaladaddi — Applicant

Vs.

The State of Maharashtra & Ors. — Respondent

Mr. S.J. Khera & Sucharita Patra, advocate for the applicant.

Mrs. U.V. Kejariwal, APP for respondents.

CORAM : R.M.S. KHANDEPARKAR
AND
A.A. SAYED, JJ.

DATE : NOVEMBER 29, 2007.

P.C. [PER R.M.S. KHANDEPARKAR, J.]

. Heard. By the present application, petitioner is seeking to serve the respondent No.3 by way of substituted service by affixing or pasting on the notice board of this Court as well as on the outer door of the last known address of the respondent No.3 and by permitting to send the notice under certificate of posting on the last known address of the respondent No.3, and further prays for dispensing with the publication of notice in the local newspaper. The application clearly states that the Court has received

a report that respondent No. 3 along with his family members, is residing in U.S.A. This report has been received after an attempt to serve the respondent No.3 at the address given by the petitioner in the address memo. Once the report discloses that the respondent No.3 has ceased to reside in India and is residing in U.S.A. along with his family members, his place of residence disclosed in the petition cannot be said to be the last known address. In such circumstances the respondent No.3 cannot be served in the manner sought to be served by the petitioner. Hence, the application is required to be dismissed and is accordingly hereby dismissed. Petitioner to take appropriate steps to serve respondent No.3 in accordance with the law.

Application accordingly stands disposed of.

Sd/-
[R.M.S. KHANDEPARKAR, J.]

Sd/-
[A. A. SAYED,J.]